

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Clark et al.	Group Art Unit: 3771
Application No: 09/414,384 Confirmation No: 3236	Examiner: Dixon, Annette Fredericka
Filed: October 7, 1999	Attorney Docket No: 53235-US-CNT (0037.00)
Title: FLOW RESISTANCE MODULATED AEROSOLIZED ACTIVE AGENT DELIVERY	February 18, 2009 San Francisco, California

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner Dixon:

Attached hereto are PTO-SB08 forms listing documents believed relevant to the subject application. It is respectfully requested that these documents be considered by the Examiner and an initialed copy of the form be returned to the undersigned.

It is believed this disclosure complies with the requirements of 37 C.F.R. §§ 1.56, 1.97, 1.98, and the Manual of Patent Examining Procedure § 609; specifically, § 1.97(c)(2), which states:

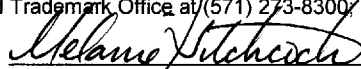
(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.13, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by ...:

(2) The fee set forth in § 1.17(p);

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450; facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300; or submitted electronically via EFS on the date shown below:

By:


Melanie Hitchcock

Date: February 18, 2009

Except for US patents and published US patent applications, a copy of each document is enclosed.

Copies of the non-patent literature have been previously submitted in this application but were not considered by the Examiner. Applicant respectfully requests that the Examiner consider these documents and return an initialed copy of the form to the undersigned.

Reference WO 97/20589 is in German with an English abstract. The reference is relevant in that it discloses an inhalator as discussed in the abstract and shown in the drawings (e.g. in Figures 11A and 11B). In addition, corresponding US Patent 6,182,655 is also provided, in which flow resistance is discussed in column 19 lines 30-42, e.g.

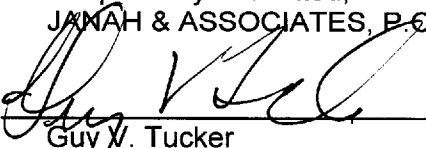
With regard to any translations that may be provided herewith, the undersigned does not know how the translations were made or by whom the translations were made. Therefore, no representation is being made as to the accuracy of any translation.

Should payment for the filing of this disclosure be insufficient, the Commissioner is hereby authorized to charge any remaining fee(s) or credit any overpayment to Deposit Account No. 10-0258.

If for any reason the Examiner finds this submission unacceptable, it is respectfully requested that the Examiner call the undersigned at (415) 538-1555 so that any deficiencies can be remedied.

Thank you for your time and consideration in this matter.

Date: February 18, 2009

Respectfully submitted,
JANAH & ASSOCIATES, P.C.
By: 
Guy V. Tucker
Reg. No. 45,302

Please direct all telephone calls to:

Guy V. Tucker
(415) 538-1555

Please send all correspondence to:

Janah & Associates, P.C.
650 Delancey Street, Suite 106
San Francisco, CA 94107